

RESOLUTION NO. 19847 (N.C.S.)

Ticket Distribution Policy

BE IT RESOLVED BY THE SALINAS CITY COUNCIL that the attached Ticket Distribution Policy is adopted in accordance with 2 Cal. Code of Regulations, Section 18944.1.

PASSED AND ADOPTED this 11th day of May 2010 by the following vote:

AYES: Councilmember: Barnes, Barrera, De La Rosa, Lutes, Sanchez, Mayor Dennis Donohue

NOES: None

ABSENT: Councilmember: Villegas

ABSTAIN None

ATTEST:



CITY OF SALINAS
TICKET DISTRIBUTION POLICY

PURPOSE:

This policy governs the distribution and disclosure of City Tickets or Passes to Public Officials in accordance with 2 Cal. Code of Regulations, Section 18944.1.

DEFINITIONS

"Immediate Family" means spouse and dependent children as defined by Government Code Section 82029.

"Public Official" shall mean every City of Salinas officer, employee or consultant as defined by California Code of Regulations Section 18701 or designated in Salinas City Code Chapter 2A, Conflict of Interest Code and Ethics.

"Ticket" or "Pass" means admission to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose.

I. NON-GIFTS: Tickets or Passes Not Subject to this Policy.

Ticket or Pass provided by source other than the City. A Ticket or Pass provided to a Public Official for his or her admission to an event at which the official performs a ceremonial role or function on behalf of the City is not a gift to the official.

Ticket or Pass provided by the City to Public Official. When the City provides a Ticket or Pass to a Public Official, the Ticket or Pass is not subject to the provisions of this regulation, provided that 1) the official treats the Ticket or Pass as income consistent with applicable state and federal income tax laws; and 2) the City reports the distribution of the Ticket or Pass as income to the official in keeping with Section VII of this policy.

II. GIFTS: Tickets or Passes Subject to this Policy.

When the City provides a Ticket or Pass to a Public Official that otherwise meets the definition of gift under Government Code Section 82028 and that is not exempt under applicable Commission regulations, the Public Official will meet the burden under Government Code Section 82028 that equal or greater value has been provided in exchange for the gift or pass when the City distributes the Ticket or Pass in accordance with the following provisions:

- A. With respect to a Ticket or Pass from an outside source provided by the City to a Public Official:
- i. The Ticket or Pass is not earmarked by the original source for use by the Public Official who uses the Ticket or Pass;
 - ii. The City Manager or his/her designee determines, in his/her sole discretion, which Public Official may use the Ticket or Pass.
 - iii. The distribution of the Ticket or Pass is made in accordance with this policy.

- B. With respect to a Ticket or Pass provided directly by the City to or at the behest of a Public Official, which Ticket or Pass has been obtained i) pursuant to the terms of a contract for use of public property; ii) because the City controls the event, or; iii) by purchase by the City at fair market value, the distribution of the Ticket or Pass must accomplish a public purpose as set forth in this Policy.

III. PUBLIC PURPOSES

Tickets and Passes distributed pursuant to this Policy shall accomplish a public purpose and shall include:

- a. Promotion of local and regional businesses, economic development and tourism activities within the City, including conventions and conferences
- b. Promotion of City-controlled or sponsored events, activities, or programs
- c. Promotion of community programs and resources available to City residents, including nonprofit organizations and youth programs
- d. Marketing promotions highlighting the achievements of local residents and businesses
- e. Promotion and marketing of private facilities available for City resident use, including charitable and nonprofit facilities
- f. Promotion of public facilities available for City residents and other public uses
- g. Promotion of City growth and development, including economic development and job creation opportunities
- h. Promotion of City landmarks and/or community events
- i. Promotion of special events in accordance with any City contract
- j. Exchange programs with foreign officials and dignitaries
- k. Promotion of City recognition, visibility, and/or profile on a local, state, national or worldwide scale
- l. Promotion of open government by City official appearances, participation and/or availability at business and community events
- m. Employment retention programs
- n. Promotion of civic activities conducted by City residents or non-residents acting in the interest of the Salinas community
- o. Promotion of events and activities supported by the City
- p. Receipt or exchange of information valuable to the City
- q. Promotion of intergovernmental relations
- r. Recognition and promotion of exceptional achievement by Salinas residents and City employees
- s. Enhancement of employee morale
- t. Promotion of volunteerism
- u. Promotion of City services
- v. Promotion of charitable activities
- w. Other public purposes as approved by the City Council

IV. TRANSFER OF TICKETS

Public Officials are prohibited from transferring any Tickets or Passes distributed pursuant to this Policy, except to members of the official's immediate family and solely for their personal use.

V. CITY REPORT

The City Manager or his or her designee shall report distribution of Tickets and Passes under this Policy on FPPC Form 802. The City Clerk shall prominently post Form 802 on the City's website within thirty days of the distribution of the Ticket or Pass.

VI. LIMITATIONS

The provisions of this policy as it relates to tickets or passes provided by the City to a Public Official shall apply only to the benefits the official receives by admission to the event and shall not apply to any other benefits the official may receive that are not included with the admission, such as food or beverages, or any other item presented to the official at the event. Such food or beverages are a gift to the Public Official and may be subject to disclosure and the limitations of the Political Reform Act.

VII. WEBSITE POSTING

The City Clerk shall post this policy on the City's website.